S.B. Civil Writ Petition No.5426/01

25.01.2007

Hon'ble Mr. Justice Mohammad Rafiq

None present for petitioner.
Mr. P.S. Tanwar, Advocate for respondent.

This matter was listed yesterday and when none appeared for the petitioners even in the second round, it was posted for today.

The petition has been filed with the prayer that the respondents be directed to grant benefit of reservation of OBC to the petitioner in M.Phil programme, Department of History and Indian Culture.

Learned counsel for the respondent Mr. P.S. Tanwar submits that the reservation to OBC was not provided in the relevant year and it was provided

by the Government vide notification dated 21.2.02 which would apply to the academic year 2002-03 only and would be prospective in nature. He submits that even otherwise for the subsequent year the benefit of reservation to OBC having been extended even in M.Phil programme, the petitioner has the option to apply and seek such benefit. The present petition according to him has become infructuous.

In the light of the fact that the reservation claimed by the petitioner was became available with the issuance of the notification of the government dated 21.2.02 and the fact that more than four years have gone by since thereafter, no relief at this stage can be granted to the petitioner. The petitioner, if he so desire, can even now apply to claim

reservation in M.Phil programme.

With these observations, the writ petition is disposed of.

(Mohammad Rafiq),J.

RS/-